MINNESOTA RATE LAW VOID legal proceedings of a complicated and un-

STPREME COURT DECLARES IT 10 BE UNCONSTITUTIONAL.

n Also Declares That the Local Federal Courts Have Authority Not Only to Hear the Claims Raised but Also to stay the Execution of Such Laws.

WASHINGTON, March 23 .- A sweeping decision affecting every State which has adopted drastic anti-railroad legislation was handed down by the United States Supreme Court to-day. The Minnesota railroad law was declared unconstitutional. and in a shorter opinion the court made a similar declaration with reference to the North Carolina railroad law. Eight of the ning Justices joined in these rulings of the court. The court's opinion is regarded in some quarters here as pointing directly to the unconstitutionality of the railroad

By a bench unanimous except for Justice Harlan the court held that where such laws affected the rights of the railroads or their stockholders guaranteed by the [Constitunon of the United States the subordinate Federal courts had authority not only to hear the claims raised but also to stay the execution of such laws, notwithstanding the prohibition contained in the Eleventh Amendment against the institution of suits against a State. In other words, the court decided in unequivocal language that as between the prohibition of the Eleventh Amendment, behind which the States had taken refuge in enacting such legislation, and the property rights protected by the Fourteenth Amendment, the latter was paramount where such rights were invaded. The decision will have the effect of bring-

ing to the courts for review any of the socalled confiscatory railroad rate laws enacted by the States, despite the extraordinary penalties that in some cases have been laid down to prevent such a review, and further that the local Federal courts will have the power to suspend the operation of such state laws pending a judicial inquiry as to their legality. It is a pronounced setback for the extreme advocates of States' rights who have contended that the Federal courts, in view of the Eleventh Amendment, were without jurisdiction to interfere with the execution of State laws.

To-day's decision, while primarily upon the rates fixed by Minnesota for the transportation of certain commodities within that State, also carried with it a somewhat similar case involving the rate law of North Carolina, where last summer the conflict authority between the State and Federal courts was so acute that there were breats by Gov. Glenn to call out the State troops to enforce its law. In the Minnesota case the controversy arose over the enactment first of the two cent rate law and the excessive penalties that were provided against the railroads or their officers who refused to comply with its terms-\$5,000 fine and five years imprisonment for each refusal to sell a ticket at the rate

Then followed what were known as the amodity rates, which were to have gone into effect June 1 last, reducing substanially the rates on certain merchandise and prescribing the minimum weights for carloads. Before that date, however, cerain stockholders of the Northern Pacific road brought suit in the Federal court for the District of Minnesota to enjoin the Attorney-General of the State from putting the rates into effect. That official appeared for the special purpose of objecting to the risdiction of the court, contending that was without authority because the suit fect one against a State, prohibited by the Eleventh Amendment. This demurrer was overruled and an order was issued enjoining the enforcement of the rates until it could be determined judicially whether or not they were confiscatory, as claimed by

the stockholders. Attorney-General Young, however, paid no attention to the injunction, but the next day instituted in the State courts proceedings to compel the Northern Pa adopt the commodity rates prescribed When this action was brought to the at-tention of the Federal court Young was arrested and after a hearing, in which igain set up his immunity under the eventh Amendment, he was adjuged in ontempt of the Federal court, fined \$100 nd committed to the custody of the United States Marshal until paid and he should purge himself by withdrawing the suit o the Supreme Court for a writ of habeas orpus for his release.

case was argued in December and attracted wide attention, as it was the the cases involving the power the Federal courts to interfere with the execution of State laws affecting railroad rates. Attorney-General Hadley of Missouri took part in the arguments and briefs were filed in the case by the Southern Railway because of the similar questions involved in its controversy with the State of North arolina and by the Public Service Comso cent gas law, which has been decided in

Taking up the question of jurisdiction faking up the question of jurisdiction of the lower court, Justice Peckham, who delivered the opinion, said it was given it in suits arising under the laws and the Constitution of the United States, and the question really to be deter-mined was whether the acts of the Legislature, if enforced, would take property withight incidentally involve a question of its solution, nevertheless, was one that raised a Federal question. The sufficonstitution, he said, was a judicial ques-tion and one over which the Federal courts ad jurisdiction, and had been settled by a long line of decisions.

Quoting from prior decisions that a law as invalid where it imposed a remedy so fficult to enforce as to be no remedy at and that a rate was unconstitutional where the decision of the Legislature of us commission was conclusive as to the sufficiency of the rates, Justice Peckham law which indirectly accomished a like result by imposing such con tions upon the right to appeal for judicial sief as worked an abandonment of the right rather than face the conditions upon which it was offered or might be obtained was also unconstitutional. He continued:

It may therefore be said that when the coalties for disobedience are by fines so prormous and imprisonment so severe as a intimidate the company and its officers resorting to the courts to test the validof the legislation the result is the same if the law in terms prohibited the company from seeking judicial construction of which deeply affect its rights.

For that reason the Court holds the Minsota freight and passenger rates to be the enstitutional on their face without regard to the question of the sufficiency of The Circuit Court, therefore, jurisdiction and it was its duty to in ne whether the rates permitted by those - were too low and therefore confiscaand if so held that the Court then had seliction to permanently enjoin their forcement. It also had power while he ry was pending to grant a temporary ction to the same effect. Referring to the affidavits submitted in

re case showing that the rates were cona atory the opinion continues:

We have therefore upon this record the ease of an unconstitutional act of the State ! egislature and an intention by the Attorneycheral of the State to endeavor to enforce its provisions to the injury of the company ompelling it at great expense to defend

TO CURE A COLD IN ONE DAY

usual character and involving questions of vast importance to all employees and officers of the company, as well as to the company BILL FRAMED AT THE WHITE itself. The question that arises is whether there is a remedy that the parties interested

such actions or proceedings.

to the statutes of the State.

This inquiry necessitates an examination

of the most material and important objection

made to the jurisdiction of the Circuit Court,

the objection being that the suit is in effect

one against the State of Minnesota and that

the injunction issued against the Attorney-

General illegally prohibits State action,

either criminal or civil, to enforce obedience

In the lower court, says the opinion, the

the adoption of that amendment in any way

altered or limited the effect of the Eleventh

out cutting it down or rendering its meaning

any more narrow than the language fairly

by a citizen of another State. It was adopted after this court, in 1793, had held

that a State might be sued by a citizen of

were about to commence proceedings, either of a criminal or a civil nature, to enforce against parties affected an unconstitutional act involving the Federal Constitution might be enjoined by a Federal

court of equity from such action.

As to whether the restraining order

was void because it attempted to control the Attorney-General in the exercise of

his discretion the opinion says that no interference with his discretion was shown

The general discretion regarding the en-

forcement of the laws when and as he deems appropriate is not interfered with by an injunction which restrains the State officer

from taking steps toward the enforcement of an unconstitutional enactment to the injury of complainants. In such case no

affirmative action of any nature is directed

and the officer is simply prohibited from doing an act which he had no legal right to

do. An injunction to prevent him from doing that which he has no legal right to do

is not an interference with the discretion

seeks to enforce be a violation of the Federal

Constitution the officer in proceeding under such enactment comes into conflict with

he superior authority of that Constitution

and he is in that case stripped of his official

or representative character and is sub-jected in his person to the consequences

of his individual conduct. The State has no power to impart to him any immunity

from responsibility to the supreme au-thority of the United States."

courts on its own business was to his mind

That principle, if it should be firmly established, would work a radical change in the governmental system. It would in

augurate a new era in the American judicial

system and enable the subordinate Federal

courts to supervise and control the official action of the States as if they were dependencies or provinces. It would place

the States of the Union in a condition of in-feriority never dreamed of when the Con-

stitution was adopted or when the Eleventh

He could not suppose that the wise men

he time would come when a subordinate

inted in its own courts by its regular law

MAKING SLATE IN WASHINGTON

Sherman Chairman of State Convention

and M. Linn Bruce Temperary Chairman.

WASHINGTON, March 23.-The permanent

hairman of the Republican State Conven-

tion, to be held in Carnegie Hall, New York,

on April 11, will probably be Representative

James S. Sherman. Timothy L. Woodruff

of New York called at the White House this

morning and had a talk with President

Roosevert in regard to political conditions

Mr. Woodruff said he came to Washington

e would be glad to serve in that capacity

in case his health improves.

The temporary chairman of the convention will be former Lieut.-Gov. M. Linn Bruce.

that the reports recently sent out from Albany that the Roosevelt influences in New York are seeking to depose him from the State chairmanship are untrue "and made out of whole cloth."

Aspires to Succeed Littlefield.

of this city announces himself as a candi-

date for the Republican nomination to

suceeed Congressman Littlefield. Mr. Sewall was formerly United States Minister

o Hawaii and in that capacity received

the transfer of the sovereignty of the

Tennessee District Convention Splits.

KNOXVILLE, Tenn., March 23.-The Sec-

ond district Republican convention was

held to-day and named two sets of dele-

gates to the Chicago convention. Taft was indorsed at one meeting and Hugher

The Weather.

An area of low pressure with its principal centre

over Lake Superior covered almost all the country east of the Rocky Mountains yesterday. There

was a high area moving eastward from the Pacific

Coast and another low pressure appearing over

Rain was falling in practically all States east of

It was warmer except in the Southwest and in

eastern Michigan. Freezing weather continued only in isolated sections west of the Mississippi.

light south to southeast; average humidity,

1908. 1907 50° 68° 6 P. M...... 50° 69° 9 P. M..... 58° 78° 12 Mid.....

WASHINGTON FORECAST FOR TO DAY AND TO MORROW

For New England, rain to day; fair to morrow,

to day and to morrow; fresh westerly winds,

Lowest temperature, 44°, at 12:20 A. M.

resh southwesterly winds.

brisk southwest to west winds.

partly cloudy to day and to morrow,

evel, at 8 A. M., 29.96; 3 P. M., 29.77.

at the other.

BATH, Me., March 23 .- Harold M. Sewall

oodruff remarked at the White House

in-the Empire State.

who framed the Constitution ever though

ederal court, having no power to compel a State in its corporate capacity to appear before it as a litigant, would assume to deprive a State of the right to be repre-

Amendment was made a part of the su-

reme law of the land.

"If the act which the Attorney-General

of an officer.

another State.

HOUSE IS INTRODUCED. may resert to by going into a Federal court equity in a case involving a violation of the Federal Constitution and obtaining a It Frovides for Registration of Corporations, judicial investigation of the problem, and Such Corporations to He Immune From pending its solution obtain freedom from Prosecution - Only Actual Damages suits, civil or criminal, by a temporary infor Injury Done May Be Recovered. unction; and if the question be finally decided favorably to the contention of the company a permanent injunction restraining all

WASHINGTON, March 23.-The bill amendatory of the Sherman anti-trust law, which was framed at the White House in the course of many conferences between President Roosevelt, officers of the Government and members of the Civic Federation, was introduced in the House to-day by Representative W. P. Hepburn, chairman of the Committee on Interstate and Foreign Commerce. The bill is based on the idea of publicity for industrial and other combinations and provides for what amounts case had proceeded on the theory that the rights of the stockholders protected by the Fourteenth Amendment would be violated if the rates were enforced. to a Federal license for corporations and associations. Broader powers are given to the Commissioner of Corporations and the Interstate Commerce Commission.

A decision in the case, however, did not require a decision of the question whether Corporations which file copies of contracts and agreements with the proper Federal authority are to have immunity Amendment prohibiting a suit against a from prosecution under the anti-trust law "We may assume," says the opinion, "that each exists in full force and that we must give to the Eleventh Amendment all the effect it naturally would have, withif these contracts and agreements are approved. After one year from the passage of the act a registered corporation or association will be immune from prosecution for any violation of the Sherman interpreted would warrant. It applies to a suit brought against a State by one of its own citizens, as well as a suit brought anti-trust law prior to registration. Only 'unreasonable" combinations in restraint of trade are to be amenable to prosecution, thus modifying the comprehensive scope of the Sherman law. The Supreme another State."

Since then many cases had been before the court in which that amendment was involved and excerpts from several of them are given in the opinion. While none of Court has decided that combinations, whether reasonable or unreasonable, may

be prosecuted. Only actual damages for injury done by them exactly covers the case at bar, says the opinion, yet they serve to illustrate the principles upon which they had been de-cided and they furnished ample justification combinations may be recovered. The present law permits the recovery of triple damages. The bill does not contain an especial exemption of the Federation of Labor for the assertion that individuals who as officers of the State were clothed with some from the operations of the Sherman law. duty in regard to the enforcement of the laws of the State and who threatened and

Influential members of Congress look askance at this proposed White House legislation, and it is already pretty well nderstood that the measure will not be included in the legislative programme which President Roosevelt and Republican leaders in the Senate and the House are endeavoring to arrange. The measure is too important, they say, to receive proper conideration within the brief period of the remainder of the present session. Furthermore, there is a disposition to criticise that section which permits the President of the United States to prescribe regulations whenever he desires requiring corporations to give information in regard to their financial condition in order that they may obtain the right of registration or remain on the registered lists. While some of the leaders are unwilling to say what their course will be until they have examined the bill thoroughly, it is evident that they regard it as too sweeping and comprehensive to be disposed of at this time.

The bill was the outcome of the trust conference held in Chicago in October, 1907, under the management of the National Civic Federation. Resolutions adopted by the conference were presented to President hoosevelt in January. At Speaker Can-non's suggestion Seth Low and Samuel Gompers consulted Representative Jenkins, chairman of the Judiciary Committee, and Representative Hepburn, chairman of the Justice Harlan delivered a vigorous dis-sent. The action of the Federal Court in laying violent hands upon the Attorney-General of Minnesota and forbidding him, under penalty of being fined and impris-oned, to represent his State in its own courts on its own business was to his mind. Committee on Interstate and Foreign Com-merce, and as a result it was decided to prepare a bill along the lines of the resolution adopted at the Chicago conference in order that Congress committees might have a concrete measure upon which to hear arguments. President Roosevelt's aid was enlisted, and the White House conferences of this month followed. Seth Low, who was one of the prime movers in the matter, said

"The various interests affected by the bill, railroad business, agriculture and labor, so far as I can speak for them, are accord in the desire to secure for the usiness interests of the country the relief that the bill aims to give. Organized labor, as represented by the American Federation of Labor, thinks that it is entitled to be relieved from the Sherman anti-trust act entirely. I know of no other difference of opinion as to the bill."

It is expected that influential members of the Administration will urge the passage of the bill without delay not only on the contention that it will help relieve business conditions but for the sake of the Republican party. This argument will not avail much, if anything, among the Congress leaders, who are not inclined to throw any sop to either capital or labor by any hasty action that may cause trouble in the future is being said to-night that the decision of the United States Supreme Court to-day in the Minnesota and North Carolina railroad cases indicate the danger of hasty road cases indicate the danger of hasty legislation and point directly to the unconstitutionality of the Hepburn railroad rate law, which was forced through Congress as a result of agitation begun by President Roosevelt. Why, therefore, it is being asked, should Congress be expected to give the convention of the congress of the cong pected to yield to any clamor from the Administration and certain interests to rush to its passage a measure of far reaching importance, particularly when its stated purpose is to correct errors that were due to agitation and haste in the first instance?

to ask Congressman Sherman to accept the permanent chairmanship of the State convention and that Mr. Sherman had said SAYS THE FIGHT'S ON ODELL. Parsons Tells the 23d That Hughes Does Not Figure in It.

Herbert Parsons went up to the Twentythird Assembly district last night to help Leader Collin H. Woodward who is facing a contest at the primaries with James Keyes. He said that there would be no dispute at the primaries about Hughes, although that pretense had been raised. It would be an Odell contest.

"If Mr. Odell," said Mr. Parsons, ecure the adherence of a majority of the new State committee, he will, commencing with this April, control the State organization. Some might say that this does not affect New York county, inasmuch as the new county committee will not be elected until the September primaries. But it does. If Mr. Odell controls the new State committee, the State organization will not be in harmony with the present manage ment of party affairs in this county, and Mr Odell's success will be heralded throughout he State and claimed by his lieutenants here as proof that the local organization of which I am the head no longer possesses the confidence of the party. And if the enrolled voters should in the fall continue in power in this county the present party management the local organization would be vir-tually unrepresented in the State organiza-

"While Mr. Odell has much ability along some lines as an organizer, I believe that his control of the State organization would be harmful to the party and especially injurious to it in this county.

the Mississippi River and there was a little snow in the neighborhood of Lake Superior. "Two years ago the primaries which resulted in our favor and led to the homination of Mr. Hughes for Governor marked the defeat of Mr. Odell. In that contest I fought, as I stated, for the divorce of the In this city the day was rainy and warmer; wind, party organization from use misuse by per cent.; barometer, corrected to read to sea obbyists and from secret representation of special interest. That separation we have maintained. The highminded and courageous course of Gov. Hughes has led the way. Now that he is going from us The temperature yesterday, as recorded by the official thermometer, is shown in the annexed table: 1908. 1907 .50° 71° .48° 65° .47° 50° either to higher office or announced retire-ment, the burden of maintaining that separation in the State falls back in large part on the party organization of your home county.
Will those who should aid us or will they For eastern New York, fair to-day and to-morsow; not. Forewarned they are. It is their fight fully as much as it is ours. And I ask them: Could there be a greater insult to the highmindedness of the administration For the District of Columbia, eastern Pennsylof Gov. Hughes than that its closing days should witness the restoration of power of the very influences that its inception seemed to sound the death knell of? vania, New Jersey, Delaware and Maryland, fair For western New York and western Pennsylvania.

SULZER BELLIGERENT.

Wordy Sparring Contest in the House With Mr. Mann of Illinois

WASHINGTON, March 23.-Representative Sulzer of New York and Representative Mann of Illinois went at it again in the House of Representatives to-cay. It was a two or three round contest, London prize ring rules, no blows being struck. Mr. Sulzer scored on the heaviest talk and won a point on tactics by landing in the breakaway.

It was a continuation of the sparring contest of Saturday. Mr. Sulzer opened the mill in triumph by announcing that Mr. Mann had not dared to accept his side bet of \$1,000, President Roosevelt to be referee, on the issue, which was that he, Sulzer, and not Mann, was the author of the law creating a bureau of corporations

Mr. Sulzer had in the battle of Saturday given what purported to be the history of the enactment and had declared that the bill to establish a Department of Labor as reported by Mr. Hepburn of Iowa, chairman of the Committee on Interstate and Foreign Commerce, contained no provision for a bureau of corporations.

The provision, he said, had been anounced by the conferees, who took isome of the features of the bill he (Sulzer) had introduced as the framework of the section finally adopted, as he said, in violation of the rules of both House and Senate. If his bill had been taken in its entirety, Sulzer asserted, it would have made a much better bureau of corporations than the

existing one. Mr. Mann offered a resolution to expunge from the record of Saturday's proceedings the remarks which Mr. Sulzer had caused to be inserted under a leave and to insert what he really did say. Mr. Mann referred to several instances where he contended Mr. Sulzer had changed the tenor of his speech so as to make him say "yea" when he had said "nay," and to say "nay" when he had said "yea." Mr. Mann said that while what Mr. Sulzer said made little difference in itself he was not satisfied to have the record show him replying to statements that were never made.

Mr. Mann generously abandoned his right to move the previous question at the close of his remarks, whereupon Mr. Sulzer practically repeated his statements as they appeared in the record, and added someng more. Twice he was called to order Speaker Cannon for unparliamentary guage. He said Mr. Mann "barks and language. He said Mr. Mann "barks and bites and when bitten again squeals"; that his claim to be the author of the bureau of perpendicular to the control of the

his opponent as a pettifogging lawyer."

Mr. Sulzer threatened that if the resolution to expunge were carried he would get the speech back in a way that would cause the Republicans trouble, and that from this time on, the House would hear from him much more frequently than heretofore this session. [Shudders]. Subsequently Mr. Sulzer gathered about twentyfive other Democrats around him and got them to agree to insist on the regular order in the House during the remainder of the ssions. This means that all requests for passage of bills by unanimous consent will be objected to, that all measures will have to be read, that no bills may be taken

from the calendar and passed.

"There will be no cutting of corners from now on," said Mr. Sulzer. "I shall insist upon the regular order."
In answer to Speaker Cannon's admoni-In answer to Speaker Cannon's actionarious against unparliamentary speech the belligerent from New York called out: "Hit the gavel again!" and when the Speaker calmly commanded for the second time, "The gentleman from New York will proceed in order," the gentleman from New York drawled, "Ex-actly."

By a party vote the resolution to expunge nd insert was carried. and insert was carried.

'Later in the day, while the House was considering District business, Mr. Sulzer insisted on the presence of a quorum, and for the first time this session the doors were closed and a call of the House ordered. Three-quarters of an hour was occupied in subtering prepares from the lunchroom gathering members from the lunchroom and House office building.

FOR HELPING ABE HUMMEL. ommissioner of Correction Asks That

Prison Physician Matz Be Transferred. John V. Coggey, Commissioner of Correction, has asked the State Medical Board to transfer to some other institution Dr. Philip B. Matz, resident physician at the Blackwell's Island penitentiary - because of his manœuvring at the time of Abe Hummel's discharge. It is understood that Dr. Matz is to quit the service in a month, anyway, in order to accompany Hummel on the continent.

Deputy Commissioner Meyer, who has been investigating the circumstances of Hummel's release, reported yesterday.
Commissioner Coggey is satisfied with
Deputy Warden John J. Murtha's conduct, but not with Dr. Matz. In explaining how Hummel happened to get away in an early boat Dr. Matz said that the steamer Mulry made its special trip because he had to go to Manhattan for medicine for a very sick patient and that Hummel, who was standing at the dock waiting for the beat to make its regular trip, also got

NEGRO BISHOPS AGAINST TAFT. Vote the Democratic Ticket if Taft Is Nominated, Says Bishop Turner.

Bishop Henry M. Turner of the African Methodist Episcopal Church of Atlanta denounced President Roosevelt and Secretary Taft as the two greatest foes of the legro race at a meeting in Bethel (colored) Tabernacle in West Twenty-fifth street last night, and declared that the negroes throughout the United States were arraying themselves to defeat Mr. Taft if he is ominated.

He urged the negroes to oppose the nomination, and if it is made, to forget party principles on election day and vote the Democratic ticket.

"The ignominous dismissal of the colored troops cannot be forgotten," said Bishop Turner, "and both Roosevelt and Taft are esponsible for the outrage and the stigma that has been put on innocent men Bishop Alexander Walters said that every nanly negro should resent Mr. Roosevelt's outrageous conduct with all the fire within Thwart Roosevelt and defeat Taft,

Senator Bryan's Death Announced in the

"should be the negro voters' battle-

Senate. WASHINGTON, March 23.-Announcement of the death of Senator William James Bryan of Florida was made in the Senate to-day by Senator Clay of Georgia, in the absence of the senior Senator from Florida. Mr. Taliaferro, who left Washington yester day with the Senatorial committee appointed to accompany to Jacksonville the remains of the late Senator.

THE **NIGHT & DAY**

FIFTH AVENUE & 44TH ST.

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OFFICERS SAMUELS, CAMPBELL. President FREDERICK PHILLIPS ... V.-Pres. THOMAS B. CLARKE, Jr. V.-Pres. GUSTAV L. WILLMERDING. Cashier WILLIAM G. HOFFMAN, Asst. Cashier

ADJOURNMENT ON APRIL 10

ASSEMBLY ADOPTS A RESOLU-TION NAMING THAT DATE.

Advances to a Third Reading the Bill Repealing the Exclusive Penalty in Percy-Gray Law and Making Betting on a Racetrack a Felony-New Bills.

ALBANY, March 23.-The Assembly has again put it up to the Senate for any delay n bringing about final adjournment of the Legislature. To-night the lower house adopted a resolution fixing the time for final adjournment at 2 P. M., April 10. When Senator Raines's attention was called to this he said that the resolution would probably be amended in the Senate, making it two weeks later. The Assembly is ready to adjourn on April 10 and Speaker Wadsworth can see no reason for delay. The only matters of importance before the two houses now that looked as if they might bring about a delay were the Agnew-Hart bills repealing the Percy-Gray betting

To-night the Assembly advanced to a third reading Assemblyman Hart's bill repealing the exclusive penalty in the Percy-Gray law and making betting on a racetrack a felony. The bills will pass the lower house this week.

The advocates of the racing law standing as it is at present have changed their tactics and to-night they announced that they want no delays and considered delays dangerous. Unless public sentiment should assert itself most rapidly this week they say they can defeat the bills in the Senate this or next week, so they are anxious for a vote. The advocates of the repeal bills, however, are losing no time and are working with might and main to bring pressure to bear upon Senators who are in doubt. The sentiment in the Assembly is over-whelmingly in favor of the Hart bills, for although but one vote was taken to-night, it resulted in 87 votes for the Hart bills unmended to 16 for amendments.

Assemblyman Cuvillier started out to talk

the bills to death and offered amendments. To the bill that repeals the Percy-Gray betting law he offered an amendment which practically reenacts the present law. He also offered an amendment that the change in the law take effect on September 1. On this latter proposition an ave and On this latter proposition an aye and no vote was called for, but not a sufficient number of Assemblymen arose to demand a rollcall and a rising vote was had, the amendment being voted down, 16 to 87. The bill was then advanced so a third

reading.
Assemblyman Cuvillier offered a number of amendments to the penal code amendment bill making betting on a racetrack a felony punishable by a year's imprisonment. His amendment provided that the punishment be a fine of \$250 or imprisonment for a year or by both fine and imprisonment. Another amendment was that the proposed law take effect September 1. These amendnents were withdrawn and the bill advanced

without opposition.

The fullest discussion is to be had on the order of final passage, and it is possible that there will be a number of Assembly-men who will oppose the bills, but not enough to prevent their passage. Party lines are not to be drawn, as was indicated by the fact that a number of Democrats voted against the Cuvillier amendment.

The only business of moment transacted in the Senate to-night was a half hour's discussion on the order of final passage of the Cassidy-O'Brian anti-bucket shop bill. The debate was cut short by an abrupt adjournment to permit the Judiciary Committee to hold's scheduled hearing on proposed railroad legislation.

Assemblyman Cuvillier introduced a bill amending the banking law by providing for listing of stocks and the prohibition of transactions in any unlisted stocks on the stock exchanges in the State. It is proposed to require all exchanges to keep records of every transaction for six years, subject to right of public inspection on

The Assembly passed another of the series of bills desired by State Superintendent of Banks Clark Williams and the Hepburn commission. This bill provides that no branch of a trust company can be estab Senator Grady introduced a bill providing that a street from 261st street north to the northern boundary line of the city, or from Riverside avenue west to the Hudson River, shall be opened through the grounds of the Sisters of Charity of St. Vincent de Paul as long as said grounds are owned or occupied

or educational purposes.
Failure to pay the stock transfer tax is to cost delinquents more if a bill intro-duced by Senator Hooker becomes a law. It increases the minimum fine for failure to pay the tax from \$500 to \$1,000, the maximum fine from \$1.000 to \$5,000 and the maximum imprisonment from six months to a year; makes the illegal use of stamps a felony instead of a misdemeanor, increasing the minimum fine from \$500 o \$1,000, the maximum from \$1,000 to \$5,000 and the maximum imprisonment from six months to two years. It provides for monthly reports to the Comptroller of stock transfers, fixing a penalty of not less than \$1,000 nor more than \$5,000, or imprisonment for not more than two years. or both, for failure to do so.

THE SUBMARINE SCANDAL. Congressman Lilley Backs His Charges With More Information.

WASHINGTON, March 23.-Representative leorge Lilley of Connecticut, whose sensational charges resulted in the appointment by Congress of a select committee to investigate a submarine boat scandal, has fled some more information with the committee on inquiry. He came forward to-day with a series of letters which he says passed between C. E. Creecy, attorney for the Holland Boat Company in 1895, and the law firm of Shelley, Butler & Martin, of which ex-Senator M. C. Butler of South Carolina was a member. Mr. Lilley's opinion is that one of the letters is evidence tending to show that ex-Senator Butler was employed strictly for legal work because he was associated with Creecy under a contingent fee instead of under a-regular annual salary This letter, which is dated at Washington, January 11, 1896, addressed to the firm of Shelley, Butler & Martin, and signed by

C. E. Creecy, is as follows: I enclose herewith copy of a letter from The John P. Holland Torpedo Boat Company" to the chairman of the Committee on Naval Affairs in the Senate, asking for an amendment providing for six Holland boats at a cost not exceeding \$175,000 each, and hereby associate your firm with me in the matter and in consideration of your services promise to pay you the sum of \$2,500 on each boat under this bill that is contracted for by

the Navy Department, this fee of \$2,500 on each boat being contingent upon the price being paid our company of \$150,000. If the price be more than that amount your fee is to be increased proportionately, and if the amount be less than \$150,000 your fee is to be diminished proportionately.

HOUSE PROCEEDINGS. Mr. Littlefield's Resignation and the Death

of Senator Bryan Announced. WASHINGTON, March 23.-At the opening of the House of Representatives to-day Speaker Cannon laid before it the resignation of Charles E. Littlefield, Representative from the Second Maine district, to take effect September 30.

A number of bills relating to affairs of the District of Columbia were passed, among them one to prohibit betting at the Bennings racetrack and another requiring physicians to register cases of tuberculosis at the health office. Mr. Hepburn introduced a bill to amend

the Sherman anti-trust law which was designed to overcome some objections of capital and labor to the Sherman act. Mr. Clark of Florida announced the death of Senator Bryan and offered the usual resolution of regret. It was adopted, and as a further mark of respect, at 4 o'clock the House adjourned. Distinctive Spring Apparel for Men

Science has given to man the ability to ascertain exactly the component parts of the diamondeven the proportions in which nature mixes

But thus far no success has attended the effort to usurp nature's knowledge and to produce the gems by artificial processes.

Commercial relations and the knowledge of fabrics that follow in their train, give to all producers of apparel an equal starting point as far as buying good materials is concerned.

But the alchemy of success-of distinction in the finished product—is a sealed book except to those who possess the requisite ability.

> We possess in our trained staff of designers and tailormen the means of maintaining the highest standard of distinction and exclusiveness in garments created by our organization.

SPRING SUITS AND OVERCOATS

Ready for service \$15 to \$43.

Saks & Company

B. Altman & Co.

ARE PREPARED TO RECEIVE RUGS AND DRAPERIES. FURS AND FUR GARMENTS, FOR STORAGE

DURING THE SUMMER MONTHS, THE MOST APPROVED METHODS BEING USED FOR THE SAFE-KEEPING THEREOF.

WHEN ARRANGING FOR STORAGE, IT IS RECOMMENDED THAT ORDERS BE PLACED FOR CONTEMPLATED ALTER-ATIONS AND REPAIRS IN FUR GARMENTS, AND FOR THE CLEANING AND REPAIRING OF RUGS.

LACE CURTAINS CLEANED AND STORED.

34th Street, 35th Street and 5th Avenue.

HOUSE PASSES AMENDMENT TO EXTEND GAMBLING LAW.

Senate Concurs Bookmaking and Betting at the Bennings Racetrack Will Be Prohibited-It Extends Present Law to All Parts of the District.

WASHINGTON, March 23.-Should the Senate concur in the action of the House o-day, betting on the Bennings racecourse in this District will be prohibited. A bill was before the committee of the whole authorizing the widening of Bennings road leading from the city limits to the racetrack, an improvement which the residents of that section have been urging, irrespective of the benefit it would be to attendants of the spring and fall race meetings.

Mr. Sims of Tennesee, who is keenly alive the moral interests of the District, noved to add a section extending to all parts of the District the anti-betting and anti-gambling law which has applied for some years to the cities of Georgetown and Washington and the territory within one mile of their limits. The courts have construed that law to be an authorization of betting and bookmaking at the Bennings track, rendering nugatory all the efforts of

District officials to prevent it. Some facetious sparring took place on the proposition. Mr. Landis of Indiana, who has "all kinds of work for all kinds of men," asked if the bet of \$1,000 that Mr. Sulzer had offered to Mr. Mann to determine which was entitled to be called father of the Bureau of Corporations, President would have been a Roosevelt to decide,

violation of the anti-gambling act.

Mr. Sims did not reply categorically, but
went into a defence of his proposition as a measure really intended to protect the bookmakers. "They say," he insisted, "that they are robbed down here by the department clerks and statesmen who infest the race grounds. Only last fall there was a panic in New York and the Secretary of the Treasury was compelled to deposit large sums of public moneys in the banks there to keep business going. I certainly think it is our duty to protect these book-makers from being despoiled by their

Washington customers."

Asserting that he had never laid a wage. on a horserace in his life, Mr. Kahn of Cali on a norself that of the compelled to raise a point of order against the amendment offered by Mr. Sims. It was a matter of such serious the compelled first that of the compelled to raise a point of order to compelled to raise a point of order against the amendment offered by Mr. Sims. It was a matter of such serious that of the compelled to raise a point of order against the compelled to raise a point of order against the compelled to raise a point of order against the compelled to raise a point of order against the compelled to raise a point of order against the compelled to raise a point of order against the compelled to raise a point of order to compelled to raise a point order to compelled to comp importance, he said, that it should first be fully considered by the committee on the District of Columbia.

Mr. Sims conceded the validity of the point, but exposed committee secrets to the extent of saying that the District committee had considered the proposition to prohibit betting at Bennings as an independent measure and had voted to lay it on the table. As the bill to widen the road stood he had no objection to it and urged

Mr. Madden of Illinois inquired if the bill to widen the road would not be a benefit to the Jockey Club, and ought it not therefore to be defeated?

Mr. Sims thought not.
Mr. Madden—Ah, then, the gentleman recalls the objection to the bedbug: Not to itself but to its infernal method of getting living. [Laughter.]
The success of the attempt to sidestep

the anti-gambling amendment on the point of order proved to be short lived. At the proper stage of parliamentary proced Mr. Sims moved to recommit the Mr. Sims moved to recommit the bill to the committee on the District, with instructions to report it forthwith with the prohibition against betting included in its provisions. Against this only four votes were counted and the original bill, with the knockout to Bennings added, was accepted

by the House and passed.

Mr. Bennet of New York, who takes much interest in this class of legislation, immediately telegraphed Gov. Hughes that righteousness had prevailed in the House. He expects further that the Senate will promptly agree to the measure, thus shut ting out the bookmakers at the present

TO STOP BENNINGS BETTING RESTRAINS THE BOYCOTT.

of Labor Made Permanent

WASHINGTON, March 23.-The restraining order and infunction issued against the American Federation of Labor and its executive counsel, their agents, attorneys, servants, &c., at the instance of Buck's Stove and Range Company of St. Louis, by Justice Gould of the Supreme Court of the District of Columbia in December last, were to-day made permanent by Chief Justice Clabaugh. The signing of the decree was the result of agreement of counsel for both sides, although an appeal was taken by the federation as a legal safeguard in case of possible developments

in the future.

The decree is practically identical with that signed by Justice Gould in December. It restrains the federation, its executive counsel, &c., from publishing the Buck's Stove and Range Company under its "We Don't Patronize," or "unfair" list, and prohibits them from boycotting or in any manner interfering with the stove company's business or with the sale of its product or of coercing or attempting to coerce any person, firm, corporation or the public from dealing in an unrestricted manner

with the company. No hearing preceded the signing of the permanent injunction, as it has been known for some time that in view of the fact that the case was presented fully to Justice Gould at the time he signed the temporary order and recent court decisions the ques tion was practically a moot one and further hearing and argument were abandoned

Movements of Naval Vessels. WASHINGTON, March 23.-The collies Justin has arrived at Mare Island, the tank ship Arethusa at Panama, the hospital ship Relief at San Francisco and the tug Rocke at Norfolk

The yacht Mayflower has sailed from New Orleans for Vicksburg, the yacht Sylvia from navy yard, New York, for Philadelphia, the collier Lebanon from Norfolk to destroy a wreck, and the tur Navajo from San Diego for Magdalena Bay

Army and Navy Orders. Washington, March 23.-These army orders were issued to-day:

were issued to-day:
Pirst Lieut, William D. A. Anderson, Engineer
Corps, to West Polot.
Col. Edward T. Brown, to Fifth Field Artillery;
Lieut, Col. David J. Rumbough, to First Field Artillery, and Major William Lassiter, to Third Field
Artillery. Major Lyman W. V. Kennon, Tenth Infantry, to his regiment.
Capt. Frank T. Woodbury, assistant surgeon, from Philippines division to San Francisco.
The retirement of Second Lieut. Fielding L. Poindexter, Coast Artillery Corps, is announced.

These pavy orders were issued: Ensign R. E. Ingersoll, from the Mayflower to Naval Medical School Hospital, Washington, D. C. Surgeon E. S. Bogert, Jr., orders of March 10 moddlied: to Naval Medical School, Washington. D. C.
Assitant Surgeon D. A. Spear, from Naval
Medical School, Washington, to the Naval Hospital, New Fort Lyon, Col.
Assistant Surgeon C. W. O. Bunker, from Naval
Medical School, Washington, to Naval Academy,
Assistant Surgeon C. G. Alderman, from Naval
Medical School, Washington, to the South Dakota.

Substantial flakes and a special "toasty" flavour-

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"The Taste Lingers."

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ANATIVE BROMO Quinine Tablets. Drug refund money if it falls to cure. E. W. Paragnature is on tach box. 15c.—Adv.